

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3, 5-7, 11, 13 and 24 are currently being amended. Claims 3, 5-7 and 13 have been amended to be consistent with the amendments to claims 1 and 11. No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14 and 22-26 are now pending in this application.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 24 and 25 stand rejected under 35 U.S.C. § 112, because claim 24, line 8, is inconsistent with page 14, line 9 of the specification. Applicants have amended claim 24 to be consistent with the specification, and accordingly request that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Double Patenting

Claims 22-26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-11, 14 and 15 of U.S. Patent No. 6,649,855 (“the ‘855 patent”). Without conceding the propriety of the above double patenting rejection, and in order to further prosecution, a Terminal Disclaimer with respect to the ‘855 patent is being filed herewith under 37 C.F.R. 1.321(c). Accordingly, applicants respectfully submit that the obvious-type double patenting rejection has been overcome and respectfully request that the rejection of claims 22-26 be withdrawn.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 2, 5, 6, 8 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,532,391 to Bernt (hereafter “Bernt”). Claims 1, 2, 5, 6, 8 and 9 stand

rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,620,074 to Paul et al. (hereafter “Paul”). Claims 3, 4 and 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernt or Paul in view of U.S. Patent No. 6,072,141 to Slamecka (hereafter “Slamecka”). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 is directed to a contact for a vacuum interrupter and comprises a contact carrier with a peripheral face which is formed with a plurality of slit portions in such a manner as to form a coil part between two adjacent slit portions of the plurality of slit portions, and a first end face (fitted with a contact plate), the first end face being formed with a circumferential slit portion which extends circumferentially between the two adjacent slit portions of the plurality of slit portions and has an end connecting to one of the adjacent slit portions. The references of Bernt, Paul and Slamecka fail to disclose a circumferential slit portion in an end face of a contact carrier which extends circumferentially between the two adjacent slit portions in a peripheral face of the carrier, where the circumferential slit portion has an end connecting to one of the two adjacent slit portions, nor do these references suggest the attendant advantages of such a structure.

Neither Bern nor Paul anticipates claim 1. Bernt discloses slots 7, 9 in the periphery of contact carriers 6, 8, respectively, and radial slots 32 in contact discs 26, 28 (See Figs. 1, 2, col. 3, lines 34-59). Bernt, however, fails to disclose any circumferential slit portion in an endface of the carriers 6, 8 (which the Office Action equates with the contact carriers as claimed) where the circumferential slit portion has an end connecting to one of two adjacent slots of the slots 7 or 9. Paul discloses a similar structure to that of Bernt and also fails to disclose a circumferential slit portion in an end face of a contact carrier which extends circumferentially between the two adjacent slit portions in a peripheral face of the carrier, where the circumferential slit portion has an end connecting to one of the two adjacent slit portions as recited in claim 1. Thus, neither Bernt nor Paul anticipates independent claim 1.

Slamecka fails to cure the deficiencies of Bernt and Paul. Slamecka was cited for allegedly disclosing a vacuum interrupter having a contact plate with a slit that is offset from

a line passing through a center of the contact plate. Slamecka, however, also fails to disclose a circumferential slit portion in an end face of a contact carrier which extends circumferentially between the two adjacent slit portions in a peripheral face of the carrier, where the circumferential slit portion has an end connecting to one of the two adjacent slit portions.

Moreover, the structure of the slits in the contact of claim 1 provides advantages not suggested by Bernt, Paul and Slamecka. As disclosed in the present specification on page 8, paragraph 31, the current path formed by the combination of the slit portion in the peripheral face (5b in the embodiment in paragraph 31) and the circumferential slit portion (5a in the embodiment in paragraph 31) is longer than that due to the slit portion in the peripheral face alone, with the result that the circumferential slit portions help stabilize the arc and to improve interrupting performance. Bernt, Paul and Slamecka, failing to disclose or suggest the circumferential slit portion as recited in claim 1, fail to suggest either the structure or the advantages resulting from this structure.

Independent claim 11 is patentable over Bernt, Paul and Slamecka for reasons analogous to claim 1.

Dependent claims 2-10 and 12-14 ultimately depend from either claim 1 or claim 11, respectively, and are patentable for at least the same reasons, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 13, 2004

By Thomas G. Bilodeau

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

Thomas G. Bilodeau
Attorney for Applicants
Registration No. 43,438